

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FAT BRANDS, INC.,	:	
	:	
Plaintiff,	:	19-CV-10497 (JMF)
	:	
-v-	:	<u>ORDER SCHEDULING</u>
	:	<u>DEFAULT JUDGMENT</u>
PPMT CAPITAL ADVISORS, LTD., et al.,	:	<u>BRIEFING AND SHOW</u>
	:	<u>CAUSE HEARING</u>
Defendants.	:	
	:	
	X	

JESSE M. FURMAN, United States District Judge:

On April 3, 2020, Plaintiff filed its Amended Complaint with the Court. *See* ECF No. 97. Defendants PPMT Capital Advisors, Ltd. (“PPMT Capital”) and Royal Gulf Capital Corporation (“Royal Gulf Capital”) were served with the Amended Complaint on July 2 and July 4, 2020 and proof of service was filed with the Court. *See* ECF Nos. 120-22. To date, Defendants PPMT Capital and Royal Gulf Capital have neither answered the Amended Complaint, nor otherwise appeared in this action. In light of the foregoing, it is hereby ORDERED that any motion for default judgment shall be filed, in accordance with the Court’s Individual Rules and Practices for Civil Cases (available at <http://nysd.uscourts.gov/judge/Furman>), no later than **August 11, 2020**. **Plaintiffs should address in the motion why default judgment should be entered now — as opposed to waiting until the pending motions filed by other Defendants are resolved and/or until judgment has been entered.** Defendant shall file any opposition to the motion for default judgment no later than **August 18, 2020**. Defendants are cautioned that a corporation may appear in federal court only through licensed counsel, and “where a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it.” *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

If a motion for default judgment is filed, it is further ORDERED that Defendants PPMT Capital and Royal Gulf Capital appear and show cause before this Court, Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York, on **September 3, 2020**, at **3:15 p.m.**, why an order should not be issued granting a default judgment against Defendants PPMT Capital and Royal Gulf Capital. Prior to that date, Plaintiff must file the proposed default judgment order electronically, using the ECF Filing Event “Proposed Default Judgment,” for the Clerk’s approval.

In the event that either PPMT Capital or Royal Gulf Capital appears or opposes the motion for default judgment prior to that date, the parties shall prepare to treat that conference as the initial pretrial conference with respect to any such appearing Defendant. That is, if either PPMT Capital or Royal Gulf Capital appears, opposes the motion, or seeks a *nunc pro tunc* extension of time to respond to the complaint, then the parties — including any such appearing Defendant — shall follow the pre-conference procedures specified in the Court’s Order of

November 14, 2019, including by submitting a joint letter addressing certain topics and a proposed case management plan no later than the Thursday prior to the conference. *See* ECF No. 28.

It is further ORDERED that Plaintiff serve Defendants PPMT Capital and Royal Gulf Capital via overnight courier (1) with a copy of this Order within **one business day of the date of this Order**; and (2) with a copy of the motion for default judgment and all supporting papers within **one business day** of the date of any such motion. In each case, within **two business days of service**, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: July 28, 2020  
New York, New York



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JESSE M. FURMAN  
United States District Judge